

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 1:23-cv-20417-RAR (Consolidated)

MARTINA FICHERA,
Plaintiff,

v.

ZOETOP BUSINESS CO., LIMITED AND
SHEIN DISTRIBUTION CORP.,
Defendants.

KENNY OSINNOWO,
Plaintiff,

v.

ZOETOP BUSINESS CO., LIMITED AND
SHEIN DISTRIBUTION CORP.,
Defendants.

G&S PRINTS PTE. LTD.

Plaintiff,

v.

ZOETOP BUSINESS CO., LIMITED AND
SHEIN DISTRIBUTION CORP.,
Defendants.

FRANCIS MINOZA, LAURENCE
MINOZA,
Plaintiffs,

v.

ZOETOP BUSINESS CO., LIMITED AND
SHEIN DISTRIBUTION CORP.,
Defendants.

CHRISTOPHER GOLEBIEWSKI,

Plaintiff,

v.

ZOETOP BUSINESS CO., LIMITED AND
SHEIN DISTRIBUTION CORP.,

Defendants.

JOINT SCHEDULING REPORT

Plaintiff, MARTINA FICHERA, CHRISTOPHER GOLEBIEWSKI, FRANCIS MINOZA, LAURENCE MINOZA, KENNY OSINNOWO, AND G&S PRINTS PTE. LTD., and Defendant, ZOETOP BUSINESS CO., LIMITED AND SHEIN DISTRIBUTION CORP. (collectively, the “Parties”), pursuant to S.D. Fla. L.R. 16.1(b), hereby submit this Joint Scheduling Report. The undersigned certify that they conferred in accordance with Fed R. Civ. P. 26(f) and S.D. Fla. L.R. 16.1(b) on April 6, 2023 by videoconference.

A. Likelihood of Settlement

Before the cases were transferred and consolidated, in *Christopher Golebiowski v Zoetop et. al.*, Case No. 1:23-20433-KMW, the Parties submitted a status report (D.E. 17) notifying the court that Zoetop will withdraw its motion to dismiss the complaint, and that they would file a notice of consent to the entry of judgment pursuant to the terms of the offer of judgment made by Defendant, Shein Distribution Corporation (D.E. 13). Now that the cases have been consolidated, the Parties jointly request that the Court enter judgment in accordance with the Rule 68 Offer of Judgment by Shein Distribution Corp. (D.E. 13-1), deny Defendant Zoetop Business Co., Ltd.’s Motion to Dismiss (D.E. 14) as moot, and dismiss the case with prejudice as to both Defendants.

As for the cases concerning Martina Fichera, Francis Minoza & Laurence Minoza, Kenny Osinnowo, and G&S Prints Pte. Ltd., the Parties explored the possibilities of settlement during the Scheduling Conference on a preliminary basis. The Parties will continue to explore, in good faith, the possibilities of settlement as contemplated by S.D. Fla. L.R. 16.1 (b), as this case progresses further.

B. Likelihood of Appearance of Additional Parties

Plaintiff is unlikely to add any additional Defendant. Defendant is unlikely to add additional parties to this lawsuit.

C. Proposed Limits on Time

The Parties propose the following pretrial discovery schedule which is based on the standard case management track pursuant to S.D. Fla. L.R. 16.1(a)(2):

Action	Joint Proposal of the Parties
Parties to provide initial disclosures pursuant to Rule 26(a)(1)(A)	04/21/2023
Last Day to Select a Mediator	05/19/2023
Deadline for Joinder of Additional Parties	04/28/2023
Fact Discovery Cut Off	12/11/2023
Exchange of Expert Reports	10/10/2023
Exchange of Expert Rebuttal Reports	11/10/2023
Expert Discovery Cut off	12/11/2023
Last Day to File Summary Judgment or Other Dispositive Motion	01/09/2024
Last Day to Complete Mediation	12/22/2023
Deadline for Non-Dispositive Motions	01/08/2024
Deadline for Joint Pretrial Stipulation	03/29/2024

Pretrial Conference	04/05/2024
Deadline for Proposed Jury Instructions and/or Proposed Findings of Fact and Conclusions of Law	03/29/2024
Exchange of Witness Lists	10/9/2023
Deadline for Filing of Deposition Designations	03/25/2024
Trial	04/08/2024

D. Proposals for the Formulation and Simplification of Issues, Including the Elimination of Frivolous Claims or Defenses, and the Number and Timing of Motions for Summary Judgment or Partial Summary Judgment

At this time, the Parties do not have any proposals for the formulation and simplification of any issues. As the case progresses, the Parties will, in good faith, confer to discuss proposals for the formulation and simplification of issues in this case.

E. Necessity or Desirability of Amendments to the Pleadings

Plaintiff does not specifically anticipate the need to amend its pleadings.

This action is in its early stages and discovery has not yet begun. Accordingly, Defendant reserves the right to liberally amend its pleadings or join additional parties should discovery disclose information offering it further relief.

F. Possibility of Obtaining Admissions of Fact and of Documents, Which Will Avoid Unnecessary Proof, Stipulations Regarding Authenticity of Documents, and Need for Advance Rulings from the Court on Admissibility of Evidence

The Parties will confer in good faith and will obtain certain admissions of fact and documents which will avoid unnecessary proof. They will also confer in good faith and stipulate to the authenticity of documents about which there is no question of authenticity and will only seek advance rulings from the Court on the admissibility of evidence when the Parties cannot agree.

G. Suggestions for the Avoidance of Unnecessary Proof and Cumulative Evidence

At this time, the Parties do not have any suggestions for the avoidance of unnecessary proof and of cumulative evidence. As this case progresses, the Parties will, in good faith, confer to discuss such suggestions and will make such suggestions to the Court in advance of the trial of this case.

H. Suggestions on the Advisability of Referring Matters to a Magistrate Judge or Master

The Parties will refer discovery matters to the Magistrate Judge.

I. Preliminary Estimate of the Time Required for Trial

The Parties anticipate that trial will require 3-5 trial days, depending on the number of Plaintiffs and causes of action that remain as trial approaches.

J. Proposed Approximate Dates for Pre-Trial Conference and Trial

- (a) The proposed deadline for the pre-trial conference as set by the Court.
- (b) The proposed month and year for the trial in this matter is April 8, 2024.

K. Other Information Helpful to the Court in Setting the Case for Status or Pretrial Conference

The Parties anticipate that one or both of the Parties may wish to un-consolidate or sever the cases for trial only. If a Party or the Parties wish to do so, they anticipate requesting such relief from the Court by motion or stipulation filed by the Non-Dispositive Motion Deadline, proposed to be January 8, 2024.

L. Proposed Scheduling Order

A Proposed Scheduling Order is submitted simultaneously with this Proposed Joint Scheduling Report.

DISCOVERY PLAN

A. INITIAL DISCLOSURES

No changes are necessary to the timing, form or requirements of initial disclosures. The Parties agree to exchange initial disclosures on or before April 21, 2023.

B. DISCOVERY OVERVIEW

The Parties have discussed the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues. The Parties agree to a discovery deadline of December 11, 2023. There is no need to limit discovery to phases or to focus on particular issues at this time. The Parties will work together to make discovery as efficient as possible.

C. ESI

The Parties will work together to preserve and exchange relevant ESI in a convenient and cost effective format. The Parties are unaware of significant issues with ESI at this time.

D. PRIVILEGE

The Parties will work together to narrow any privilege issues. Generally, privilege claims should be asserted before production, but the Parties agree to allow for claw-back of inadvertently produced privileged materials.

E. ADDITIONAL LIMITATIONS ON DISCOVERY

At this time it is unnecessary to place further limitations on discovery.

F. ADDITIONAL DISCOVERY ORDERS

There is no need for additional orders under Rule 26(c) or under 16(b) or (c) at this time. The Parties may, if necessary, propose and seek entry of a stipulated protective order to govern the exchange of confidential, proprietary, and private information, and the inadvertent disclosure

of communications or information covered by the attorney-client privilege or work-product protection.

Dated: April 7, 2023

Respectfully submitted,

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